

EXHIBIT #4



**Holland
Board
of Public
Works**

A
Community
Owned
Utility

Electricity
•
Water
•
Waste
Treatment

April 22, 2008

Mr. David C. Bender
Garvey McNeil & McGillivray, S.C.
634 W Main St, Suite 101
Madison, WI 53703

RE: *Response to Freedom of Information Act Request 2 – Units 3, 4, 5*

Dear Mr. Bender:

Following is the required final response from the Holland Board of Public Works (HBPW) and the City of Holland in regards to your Freedom of Information Act (FOIA) request due April 22, 2008 (MCL 15.235). The Holland Board of Public Works response is denying a portion of the request because several records listed do not exist as described or any other name known to the HBPW, or, hardcopy is not available and the software is obsolete, or, HBPW does not participate in the program described.

Included with the records released will be:

Life extension / life optimization studies, evaluations, assessments, reports or any studies related to extending the life of, or increasing the reliability of any generating unit at the James DeYoung Generating Station since January 1, 1975.

Copies of correspondence, memoranda, discussion summaries, etc. regarding projects for the James DeYoung Generating Station Units 3, 4, and 5.

Project justifications and work orders for the requested work on James DeYoung Generating Station Units 3, 4, and 5.

Records requested and not included are:

Monthly Capacity Factors – *Do not exist*

Installing No. 44 high pressure heater tube bundle – *Project dropped*

Generating Availability Data System (GADS) outage data from 1985 through present – *Do not participate in GADS*

Included is the invoice for the balance due after the credit of the good faith deposit. All records will be released in hard copy upon receipt of the balance due.

If you believe we have not made available what we know to exist, you may take the action quoted below as stated in Act 442 15.240 Section 10 (1):

"If a public body makes a final determination to deny all or a portion of a request, the requesting person may do one of the following at his or her option:

625 Hastings Avenue
Holland, MI
49423

Telephone
(616) 355-1520
Facsimile
(616) 355-4330





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- (a) Submit to the *City Manager or HBPW General Manager* a written appeal with the specific word "appeal" and identify the reason or reasons for the reversal of the denial.
- (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

Should you choose to seek judicial review of the denial of your request, you may have the right to receive attorneys fees and damages as provided in Section 10 of the Freedom of Information Act if, after judicial review, the Circuit Court determines that the City of Holland / Holland Board of Public Works has not complied with Section 5 of the Freedom of Information Act and orders disclosure of all or a portion of a public record."

Please feel free to contact either person listed below with any additional questions regarding this FOIA.

Respectfully,

Freda W. Velzen, CPA
FOIA Coordinator Designee
Director of Finance

Lorakyn A Bunce
FOIA Coordinator Designee
Records Management Coordinator

625 Hastings Avenue
Holland, MI
49423

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Telephone
(616) 355-1520
Facsimile
(616) 355-1550



Attn: David C. Bender
Garvey McNeil & McGillivray
634 W Main St
Suite 101
Madison, WI 53703

Invoice Number:	017537
Date:	4/22/2008
Customer ID:	GARVEYMCNE
Terms:	Net 30 days
Page	1 of 1

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